

Entered - 02/02/01 - sb  
CL01L0084 - DIANNE C. MITCHELL

01-R-0397

CLAIM OF: **PROGRESSIVE INSURANCE COMPANY AS  
SUBROGEE OF PETER ADAMS  
P. O. Box 43258  
Richmond Heights, Ohio 44143**

For damages alleged to have been sustained as a result of a vehicular accident on October 9, 2000 at 14<sup>th</sup> Street and Holly Street.

BY PUBLIC SAFETY AND  
LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **PROGRESSIVE INSURANCE COMPANY AS SUBROGEE OF PETER ADAMS** the sum of **\$2,000.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of a vehicular accident on October 9, 2000 at 14<sup>th</sup> Street and Holly Street as is more particularly set forth in the within claim; said sum taken from and charged to account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD  
CITY ATTORNEY

BY:   
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

**DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY**

Claim No. 01L0084

Date: February 26, 2001

Claimant /Victim PROGRESSIVE INSURANCE COMPANY AS SUBROGEE OF PETER A. ADAMS

BY: (Atty)(Ins. Co.) \_\_\_\_\_

Address: P. O. Box 43258, Richmond Heights, Ohio 44143

Subrogation: X Claim for Property damage \$ 6,799.46 Bodily Injury \$ \_\_\_\_\_

Date of Notice: 01/30/01 Method: Written, proper X Improper \_\_\_\_\_

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 10/19/00 Place: 14<sup>th</sup> Street and Holly Street

Department: Police Division: \_\_\_\_\_

Employee involved Robert J. Stack Disciplinary Action: Pending

NATURE OF CLAIM: The driver of the City vehicle attempted to make a "U-Turn" in front of the claimant's oncoming vehicle and collided with same causing the collision.

**INVESTIGATION:**

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_

Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police X Dept Report \_\_\_\_\_ Other \_\_\_\_\_

Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

**BASIS OF RECOMMENDATION:**

Function: Governmental X Ministerial \_\_\_\_\_

Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable \_\_\_\_\_

City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement X

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_

Claimant Negligent \_\_\_\_\_ City Negligent X Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
\_\_\_\_\_  
INVESTIGATOR - DIANNE C. MITCHELL

**RECOMMENDATION:**

Pay \$ 2,000.00 Adverse \_\_\_\_\_ Account charged: 1A01 X 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_

Claims Manager:  Concur/date 02-27-01

Committee Action \_\_\_\_\_ Council Action \_\_\_\_\_

**Progressive**P. O. Box 43258  
Richmond Heights, OH 44143  
Progressive.Com

Date: January 29, 2001

COMPANY: Atlanta City Council

ATTENTION: Municipal Clerk

FAX NUMBER: 404-658-7082

ENTERED - 2-2-01 - SB  
01L0084 - DIANNE MITCHELLOUR INSURED: Peter Adams

OUR CLAIM NUMBER: 005446100

DATE OF LOSS: October 9, 2000

YOUR INSURED: City of Atlanta Police Dept

YOUR CLAIM/POLICY NUMBER: Unknown

TOTAL SUBRO BALANCE: \$6,799.46

(THIS FIGURE INCLUDES OUR INSURED'S \$250.00 DEDUCTIBLE)

Please take this as formal notice of our subrogation rights with regards to the above captioned claim. We have completed our investigation into the facts of the above-captioned loss and find that your insured was the proximate cause of the accident.

Please make your draft payable to "Progressive Insurance, as subrogee of Peter Adams", in the amount stated above and mail it to the attention of the undersigned at your earliest convenience.

All supporting documentation is enclosed. I have diaried my file ahead fifteen (15) days. Thanks you for your anticipated, prompt attention to this matter.

Progressive Insurance Company  
Kim Ratliff  
Subrogation Representative  
1-877-810-0100 Ext. 65814

**PLEASE INCLUDE MY NAME AND  
CLAIM NUMBER ON ANY AND ALL  
CORRESPONDENCE.**

Enclosures

Pages: 16

GENERAL RELEASE AND INDEMNIFICATION

CLAIM NUMBER 01L0084

\$ 2,000.00

IN CONSIDERATION of the sum of TWO THOUSAND AND NO/100  
\_\_\_\_\_ DOLLARS, to be paid to me by the CITY OF ATLANTA, the future receipt of which is hereby  
acknowledged, I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever  
discharge said City, its officers and employees, including but not limited to Robert J. Stack, from any and all  
claims, demands, actions, causes of action, suits, damages, loss and expenses, of whatsoever kind or nature for or  
on account of anything that has heretofore occurred, and particularly for or on account of a vehicular accident

which occurred on or about the 9<sup>th</sup> day of October, 2001,

at or near 14<sup>th</sup> Street and Holly Street.

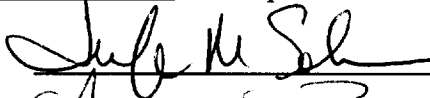
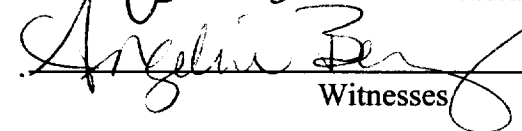
It is further understood and agreed that the payment of the above named sum is not to be considered as an  
admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the  
undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents,  
servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers,  
agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment  
of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by  
said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this  
instrument.

WITNESS my hand and seal this 15 day of February, 2001.

  
\_\_\_\_\_(LS)  
**PROGRESSIVE INSURANCE COMPANY**  
**AS SUBROGEE OF PETER ADAMS**

The above release was read and explained to, and signed by the said Subrogation  
collector of Progressive Insurance in our presence on the date above written.

  
  
\_\_\_\_\_  
Witnesses